

REMARKS

Claims 1-2 and 5-6 are pending in this Application. Claim 1 is amended with this Response. New claim 9 is added. The Examiner's objection and rejections will now be addressed in turn.

Objection claims

The Examiner objects to claims 1, 2, 5, and 6 for an informality. In Response, Applicant respectfully amends claim 1.

Rejections under 35 U.S.C. 112, second paragraph

Claims 1, 2, 5, and 6 have been rejected under 35 U.S.C. 112, second paragraph for being allegedly indefinite. In response, Applicant respectfully amends claim 1.

Rejections under 35 U.S.C. 103(a)

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being obvious over United States Publication No. 2003/0131239 to Greene ("Greene" hereinafter) in view of United States Publication No. 2001/0006556 to Graves ("Graves" hereinafter). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

“providing visual verification to an operator when the probability does not meet the predetermined criteria and the document is negatively authenticated, the visual verification including:

recording the document as an image and presenting the image to the operator, accepting the document when the document passes the visual verification, and refusing acceptance when the document does not pass the visual verification”

Neither Greene nor Graves, taken alone or in combination, teach provision of visual verification to an operator when the probability does not meet the predetermined criteria and the document is negatively authenticated, wherein the visual verification includes recording the document as an image and presenting the image to the operator, accepting the document when the document passes the visual verification, and refusing acceptance when the document does not pass the visual verification. On the contrary, referring to paragraph 0036-0040 and 0043-0045, as well as Figures 2 and 4 (steps S290, S300, S1190, and S1200 in particular) Greene teaches a process that *terminates* upon verification or denial. The display (which is optional—see paragraph 0056) is merely provided to display the verified/denied result, and as such, there are no steps taught in the Graves process that follow denial.

Accordingly, since recording and presenting the image to an operator for visual verification is claimed by Applicant to occur in the event of (i.e. after) negative authentication, the process of Graves, which terminates upon negative authentication, fails to teach (and actually cannot teach) this post-authentication element recited in Applicant’s claims.

In light of the above, and with specific reference to new claim 9, Applicant further and respectfully asserts that Greene certainly does not teach recording and presenting the image for visual verification by an operator, who is not the customer.

As Graves fails to remedy the above deficiencies of Green, and is not used by the Examiner to remedy such deficiencies, Applicant respectfully asserts that the proposed combination of Greene and Graves does not teach every element of Applicant's claims 1, 2, 5, 6, and 9. As such, for at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1, 2, 5, 6, and 9 with respect to the proposed combination of Greene and Graves.

Conclusion

Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time required for entry and consideration of this submission.

The Office is invited to contact Applicant's attorneys at the below-listed telephone number concerning this Submission or otherwise regarding the present application.

If there are any charges with respect to this Submission, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
CANTOR COLBURN LLP

By: /Daniel R. Gibson/
Daniel R. Gibson
Registration No. 56539
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone: 860-286-2929
Facsimile: 860-286-0115
Customer No. 23413

Date: December 18, 2009